IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 10657 of 2005

Between:

Smt. Ch. Hanuayamma, W/o. Nageswara Rao,
Vinukonda Grampanchayat, Vinukonda, Guntur District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Panchayat Raj and Rural Development Department, Secretariat, Hyderabad. Rep. by Principal Secretary Government.
2 The Commissioner of Panchayatraj and Rural Development, Government of Andhra Pradesh.
3 The District Collector (Panchayat Wing), Guntur.
4 Smt. K. Chinna Venkayamma, W/o. edukondalu,
7th War Member, Vinukonda, Grampanchayat, Vinukonda, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the order of the 1st respondent passed in Memo No. 6197/Pts.II-A/2005-1 dated 23-4-2005 as illegal arbitrary and one without jurisdiction.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4: MR.C.V.R.RUDRA PRASAD

The Court at the admission stage made the following:

ORDER:

This writ petition is filed against the orders of the Government passed in Memo No.6197/Pts.II-A/2005-1, dated 23.04.2005. The petitioner was Sarpanch of Vinukonda Gram Panchayat, Guntur District. The District Collector has passed orders removing her on certain allegations. As against the same, the petitioner carried the matter in appeal before the Commissioner of Panchayat Raj and Rural Employment. The Commissioner by order dated 16.04.2005 allowed the appeal and remitted the matter for reconsideration by the District Collector. Aggrieved by the said order, the fourth respondent herein filed a review petition before the first respondent-Government and in that review petition, the impugned order is passed as an interim order until further orders.

It is submitted by the learned counsel appearing for the petitioner that there is no such power of review conferred on the Government, inasmuch as the Commissioner has been delegated with the authority on the powers conferred on the Government. But, however, it is to be seen that the impugned order is an interim order pending further orders, and inasmuch as the original authority has passed removal orders, and as the petitioner was not holding the post from the date of removal, it is appropriate that the main proceedings pending before the Government have to be disposed of.

In that view of the matter, I dispose of the writ petition directing the first respondent-Government to dispose of the review petition filed by the fourth respondent by issuing notice to the petitioner within a period of three weeks from the date of receipt of this order. If the said review petition is not disposed of, the impugned order stands suspended thereafter.

The writ petition is disposed of subject to above directions. No costs.

29.04.2005

Note: Issue CC in two days.

(b/o)

VGB

To

1. The Principal Secretary, Government of Andhra Pradesh, Panchayat Raj and Rural Development Department, Secretariat, Hyderabad.
2. The Commissioner of Panchayatraj and Rural Development, Government of Andhra Pradesh.
3. The District Collector (Panchayat Wing), Guntur.
4. 2CCs to the Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad. (OUT)
5. 2CD copies.